

# CABINET

Thursday, 24 November 2011

<u>Present:</u>	Councillor	S Foulkes (Chair)	Finance and Best Value
	Councillors	G Davies P Davies AER Jones B Kenny A McArdle AR McLachlan C Meaden H Smith J Stapleton	Housing and Community Safety Regeneration and Planning Strategy Corporate Resources Environment Social Care and Inclusion Children's Services & Lifelong Learning Culture, Tourism and Leisure Streetscene and Transport Services Community and Customer Engagement

## 190 ADDITIONAL BUSINESS

Councillor S Foulkes informed that he had agreed that, as well as the items on the Cabinet's agenda, oral reports would be received at this meeting on the following matters:

- an update on the stike action against the government's public sector pension reforms, scheduled for Wednesday, 30 November 2011;
- an announcement by the Department for Communities and Local Government on Housing Market Renewal Areas – Help for Vulnerable Households; and
- the recent gas disruption in the Leasowe/Moreton area.

Following representations from Councillor J Green, Councillor Foulkes also agreed that the Chief Executive would provide an oral report on the Serious Fraud Squad's investigation into Wirral Council.

## 191 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor P Davies declared a personal interest in Item No. 12 on the agenda – Neighbourhood Plans and Area Forum Funding – by virtue of him being a Trustee of Wirral Food Bank. It was noted that this was not a Council appointment.

192 **MINUTES**

**RESOLVED:**

**That the Minutes of the meeting of the Cabinet held on 3 November 2011 be confirmed as a correct record.**

193 **PUBLIC SECTOR'S STRIKE ACTION**

The Head of HR and Organisational Development reported that the Council had received notification from the Trade Unions that, following a ballot of members, a period of 24 hour industrial action was planned for Wednesday, 30 November 2011 in relation to proposed changes to Pension Arrangements. She informed and updated the Cabinet on the arrangements during industrial action. This included:

- the Trade Unions involved;
- the Emergency Plan;
- the Buildings Plan to be published
- exemptions from Industrial Action;
- arrangements for those employees not participating in Industrial Action;
- the impact of industrial action on Schools;
- How various staff absences on the day would be handled;
- Impact on pay for those on strike;
- Other considerations e.g. travel disruption as the Kingsway and Queensway Tunnels will be closed to the general public and the ferries are not running on that day; and
- Further Information - Guidance in the form of Frequently Asked Questions (FAQs) available on the intranet. This included information for employees and managers.

**RESOLVED:**

**That the Head of HR and Organisational Development be thanked for her informative report.**

194 **HOUSING MARKET RENEWAL (HMR) AREAS - HELP FOR VULNERABLE HOUSEHOLDS**

Councillor G Davies reported that the Minister for Housing and Local Government, Grant Shapps MP had announced that £35.5m worth of funding had been allocated to help 1,000 vulnerable households left in abandoned streets which formed part of the previous Government's HMR programme. This funding would be paid over two years, towards £71m of schemes to be taken forward by local authorities.

This funding had been earmarked to address the worst problems in the five most challenged Housing Market Renewal areas – Merseyside, East Lancashire, North Staffordshire, Hull and Teesside. Mr Shapps had taken into account the detailed bids made which had totalled £43m and information from authorities and increased the funding for this scheme from £30m to £35.5m. This level of funding, together with match funding by authorities, should ensure that in streets or blocks of housing which were more than 50% empty households could be offered acquisition and/or re-housing.

Mr Shapps had informed that this funding marked the end of the HMR programme. The large scale HMR targets for demolition, clearance and new build, imposed externally, created as many problems as they solved and were resented by local communities, often leaving isolated residents living in just a few homes in otherwise derelict streets. In many areas those plans had collapsed as unworkable and unrealistic and it was a condition of this funding that these commitments were unwound.

The Government was putting in place new incentives such as New Homes Bonus which would help bring long term empty property back into use but it was vital that continuing regeneration should be taken forward on a local basis with real community support. Previous regeneration programmes met with mixed success, despite high levels of spend, with many local economies stagnating and becoming over-reliant on public funding. Therefore, the Government was taking a different, localist, approach – putting residents, local businesses and civic leaders in the driving seat and providing them with local rewards and incentives to drive growth.

Councillor G Davies informed that Wirral had been allocated £2.7m and he was delighted as this would allow the Council to complete all work started in 2003 and buy existing properties that were left.

Councillor S Foulkes thanked the other two Political Group Leaders who had added their signatures, to his, on the letter sent to the Department for Communities and Local Government requesting HMR funding.

**RESOLVED:**

**That the content of the report be noted.**

195 **LEASOWE AND MORETON - RECENT GAS DISRUPTION**

The Director of Technical Services reported on the burst water main on 11 November 2011 that had got into the gas supply and caused severe disruption. When this happened the only way to solve the problem was to access each property to turn the gas off.

A National Grid bronze incident room has been set up at Leasowe Leisure Centre and had co-ordinated the response with its silver incident room in Manchester. The response had been pretty good, given the scale of the problem and it had been lucky that the weather had been relatively mild. Although there were lessons to be learnt from this experience and the Council would be better prepared in the event that a similar incident occurred in the Borough again, the most vulnerable people had been looked after.

This appeared to have been an unfortunate accident but it was noted that the National Grid had not yet concluded its investigations. When it had it would inform the Council of its findings. Representatives from the National Grid were willing to attend a meeting to discuss what had happened and there would be a formal debriefing facilitated by the Council.

Members reported that more than 130 homes and businesses had been without gas for over a week but the residents had been “fantastic” in helping each other out. The local community had really come together and rallied round. They had maintained contact with each electronically via Facebook and by visiting and had cooked making soup and teas for the older residents.

Leasowe Community Centre was right at the heart of the operation and Sue Long and the volunteers had done a marvellous job, as National Grid staff had used the Centre as their base.

Councillor A McArdle paid tribute to everyone who had helped out and worked extremely hard during the period people were without gas. She thanked the cafe staff and volunteers in the Millennium Centre, the Managing Director and staff at Wirral Partnership Homes who contacted all of the vulnerable people and Mary Quigg, Managing Director of Leasowe Community Homes for her support.

**RESOLVED: That**

- (1) the report be received;**
- (2) letters of thanks from the Cabinet be drafted to all those who helped out whilst the gas was disrupted in the Leasowe/Moreton area as detailed above; and**
- (3) a debriefing report, including any lessons learnt be prepared for consideration by the Cabinet and the appropriate Overview and Scrutiny Committee.**

196 **SERIOUS FRAUD SQUAD INVESTIGATION**

The Chief Executive reported that he had emailed the three Political Group Leaders the previous Friday, advising of a conversation he had been party to.

He had understood he was to receive a letter which would arrive this week. Up to now he had not received it. As soon as the Chief Executive had written confirmation he would inform Cabinet Members further.

**RESOLVED:**

**That the report be received.**

**197 BUDGET PROJECTIONS 2012-15**

A report by the Deputy Chief Executive/Director of Finance presented the projected budgets for 2012-2015 following the agreement of the budget for 2011-12 at the Council meeting held on 1 March 2011.

**RESOLVED: That**

- (1) the budget projections be regularly reviewed;**
- (2) the Cabinet recognises that, although the projected budget gap is diminishing, considerable work is still required to set a balanced budget in March; and**
- (3) in order to avoid any undue delays as proposals are explored, Cabinet authorises the Chief Executive, in consultation with the Leader and Deputy Leader of the Council, to undertake any appropriate consultation, in addition to the broader consultation already carried out, as required in order to allow the Council to meet the budgetary challenges it is facing.**

**198 INSURANCE FUND BUDGET 2012-13**

A report by the Director of Finance set out the elements which made up the Insurance Fund, the cost of running the Risk and Insurance Section and the Budget for 2012/13. The Insurance Fund Budget was one element of the Council Budget setting process.

**RESOLVED: That**

- (1) the Insurance Fund Budget 2012/13 be agreed;**
- (2) the Budget Surplus Reserve of £136,030 be used to limit the increase in cost to the General Fund for 2012/13; and**
- (3) savings to schools (subject to Academy transfers) of £226,000 and increased costs to the General Fund of £20,000 for 2012/13 be agreed.**

The Acting Director of Children's Services reported that The Education and Inspections Act 2006 charged OFSTED with the responsibility for conducting an annual assessment of the quality of children's services for each local authority. In the 2011 Annual Children's Services Assessment published on 8 November 2011 Wirral Children's Services had been assessed as 'performs excellently'. The Service had obtained a maximum score of four on a four point scale. The report informed Members of the 2011 assessment findings and the actions put in place to address the two areas identified by OFSTED for further improvement.

It was noted that the Department had improved on its 2010 assessment which had been rated as 'performs well' rated at three on the scale. In 2011 only 28 out of 152 Councils had been rated as 'performs excellently'. The OFSTED Annual Children's Services Assessment letter was appended to the report for Members' information.

Councillor S Foulkes was keen to make an exemplar of Children and Young People's Services and share its best practice with other Council Departments that were not performing so well.

Councillor A McLachlan confirmed that the result of the annual assessment was excellent news and congratulated the Interim Director of Adult Social Services for his strong steer and the Acting Director of Children's Services for his contribution and all of the staff in the Children and Young People's Department on their hard work and achievements.

A letter dated 8 November 2011 was circulated sent jointly from the Acting Director of Children's Services, the Interim Director of Adult Social Services and the two Acting Deputy Directors of Children's Services, addressed to all Staff in the Children and Young People's Department, Headteachers, Chairs of Governors, Children's Trust Board and the Local Safeguarding Children's Board. The letter informed of the detail of the OFSTED Children's Services Assessment and thanking them for their positive efforts that culminated to the very successful outcome.

**RESOLVED: That**

- (1) the report be noted;**
- (2) the Acting Director of Children's Services and the Interim Director of Adult Social Service be thanked for their contributions and the Cabinet's thanks be conveyed to all staff in the Children and Young People's Department for their efforts to help children and young people to learn and to stay safe, to the highest standards; and**

- (3) **the Director of Law, HR and Asset Management be requested to liaise with the Mayor with a view to holding a reception for staff from the Children and Young People's Department to celebrate their achievements.**

200 **POSSIBILITY OF SHARED ADULT SOCIAL SERVICES ACROSS MERSEYSIDE**

Councillor S Foulkes reported that Liverpool City Council had made a presumption during its budget consultation exercise. It had consulted on the possibility of having shared Adult Social Services across Merseyside. Adult Social Services had been identified as suitable for sharing across the City region. Also, claims had been made that vulnerable people would be affected. Councillor Foulkes told the Cabinet that, in the light, of the recent erroneous claims, there were, most definitely, no plans to share Adult Social Services with Liverpool City Council, and there had been no discussions about the development of any shared services. He had discussed shared services informally with Councillor Mike Jones, the Leader of Cheshire West and Chester and at the City Region.

The Chief Executive reported that he had received, that morning, a letter dated 18 November 2011 from Ged Fitzgerald, Chief Executive of Liverpool City Council who informed that he had identified an opportunity to make savings, through shared services, and had asked if Wirral Council was interested.

The Interim Director of Adult Social Services reported that he had never had any discussions with officers of Liverpool City Council ever. His Department was continuing with its plans to transform services for vulnerable adults, with plans well advanced to consult local people who used day services, with a view to developing and improving daytime provision.

**RESOLVED:**

That the reports be noted.

201 **DEPARTMENT OF ADULT SOCIAL SERVICES SELF EVALUATION DOCUMENT**

A report by the Interim Director of Adult Social Services informed the Cabinet of the completion of the milestones as identified in the Care Quality Commission (CQC) Improvement Plan September 2010 as recommended by the Health and Wellbeing Overview and Scrutiny Committee on 8 November 2011.

The report sought the Cabinet's agreement to the proposed reporting mechanism for those Milestones that were subject to Change Control and

informed of the Self Evaluation process that had been agreed between the Local Government Association (LGA) and the Government and the need to publish a "Local Account". The report also sought the Cabinet's endorsement to the Department of Adult Social Services (DASS) Self Evaluation document that had been undertaken in preparation for the Peer Review that would take place in 2012.

The Cabinet's agreement was sought to the publication of a Local Account by 31 December 2011.

The Interim Director of Adult Social Services informed that it was his view and that of his colleagues, based on evidence, that his Department had made enormous progress over the last year. The Department had met an overwhelming number of milestones. Some changes had already had positive effects whilst others needed time to bed in. The evidence of the impact was in the benchmarking information in the report where comparisons were made against North West Departments of Adult Social Services.

Councillor A McArdle commended the Department on the quality of the report. She considered that it was an excellent model that could be used across the Council for presenting evidence. The staff had put a lot of time in and had worked hard. Councillor McArdle congratulated them and the Interim Director of Adult Social Services on the progress that had been made. This was to the credit of the previous Council Administration who had started out on this journey and the staff working in the Adult Social Services Department.

**RESOLVED: That**

- (1) the Cabinet approves the completion of the milestones as identified in the CQC Improvement Plan September 2010;**
- (2) the Cabinet agrees the proposed reporting mechanism for those Milestones that were subject to Change Control;**
- (3) the Cabinet notes the Self Evaluation process that has been agreed between the LGA and Government and the need to publish a "Local Account";**
- (4) the Cabinet endorses the Department of Adult Social Services Self Evaluation document; and**
- (5) the Cabinet approves the publication of a Local Account by 31 December 2011.**



202 **FLOOD RISK MANAGEMENT RESPONSIBILITIES AND THE PURCHASE OF HYDRAULIC MODELLING SOFTWARE**

The Director of Technical Services reported that The Flood & Water Management Act 2010 and the Flood Risk Regulations 2009 which had established Wirral Council as a Lead Local Flood Authority (LLFA). LLFAs were required to lead the strategic management of local flood risk (arising from surface water, groundwater and ordinary watercourses).

Wirral was at risk of local flooding, with a substantial number of domestic properties identified as at risk from potential future flooding. The responsibilities attached to the LLFA role, placed substantial new burdens on the Council in managing these flood risks.

The report identified the new responsibilities and duties and further to the recently revised Contract Procurement Rule 19.1 the Cabinet was requested to approve for the purchase of the WinDes Hydraulic modelling software from Micro Drainage at a cost of £11861.25 which could be funded from DEFRA grants.

**RESOLVED:**

**That the purchase of the WinDes software modules in the sum of £11,861.25 for the reasons stated in the report be agreed.**

203 **HIGHWAYS WINTER SERVICE ARRANGEMENTS 2011/12**

A report by the Director of Technical Services advised Members of the Highways Winter Service arrangements for 2011/12 (previously termed Winter Maintenance).

Under Section 111 of the Railways and Transport Act 2003, the Council, as highway authority for Wirral, had a duty

“...to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice”.

Councillor H Smith informed that a number of gritting routes had been extended. He also congratulated the staff involved on their achievements.

**RESOLVED: That**

- (1) the contents of the report be noted; and**
- (2) the revised Highways Winter Service Operational Plan including gritting route proposals recommended following a review of the highway winter maintenance operations in 2010/11 be approved.**

204 **LOCAL SUSTAINABLE TRANSPORT FUND (LSTF) - ACCEPTANCE OF 'KEY COMPONENT' FUNDING**

The Director of Technical Services reported that on the 19 January 2011 the Government, as part of the Local Transport White Paper, issued guidance regarding the creation of a £560 million Local Sustainable Transport Fund (LSTF). The purpose of this fund was to help build local economies and address climate change. Authorities were invited to bid to secure funding via the Department for Transport (DfT). The fund, both revenue and capital, was available over four financial years 2011/12 to 2014/15.

Metropolitan Authorities were required to bid through their respective Integrated Transport Authority (ITA) and in June 2011, Merseytravel, on behalf of the Merseyside Transport Partnership (MTP) submitted an early smaller bid, known as a Key Component bid, for £4.877 million. The project was to "Facilitate Sustainable Access to Employment in Merseyside". £810,000 of the total Key Component bid was for the delivery of projects in Wirral.

Merseytravel, on behalf of the MTP, was informed on the 5 July 2011 that the Key Component bid had been successful and the report provided the background to this project, advised Members of the broad proposals for scheme delivery and outlined the process for the major bid to the LSTF.

This funding would assist the Council to support Wirral residents to access employment opportunities, as well as encouraging the use of sustainable transport which would contribute to reducing carbon emissions in the Borough.

The report sought authority from the Cabinet to accept the funding from Merseytravel and delegate authority to the Director of Technical Services in conjunction with the Director of Law, HR & Asset Management to enter into a funding agreement with Merseytravel.

Councillor H Smith highlighted the significant reduction in funding for transport following the Local Transport Plan Settlement earlier in the year. The funding available through the LSTF provided the opportunity to deliver additional projects and schemes in Wirral which would assist in the removal of transport as a barrier for people seeking employment, as well as supporting and delivering projects which would secure carbon reduction.

2011/12 was the first year of the four year programme and the DfT had indicated that any unspent allocations could not be carried forward into the following year. £110,000 of funding had been allocated to Wirral for 2011/12 and the Director of Technical Services sought approval to accept this funding so that project delivery could commence from 1 December 2011 so that

£110,000 detailed in section 5 of the report could be spent within the current financial year as required.

**RESOLVED: That**

- (1) the success of Wirral Council officers and other partners in securing 'Key Component' funding and the elements of the Merseyside LSTF project to be delivered in Wirral, be noted;**
- (2) the acceptance of 'Key Component' funding from Merseytravel totalling £810,000 over four years 2011/12 to 2014/15 be approved;**
- (3) authority be delegate to the Director of Technical Services in conjunction with the Director of Law, HR and Asset Management to finalise the funding agreement between Wirral Council and Merseytravel (ITA) as lead authority and accountable body; and**
- (4) the detailed proposals for 2011/12 set out in section 5.0 of the report be approved and officers be request to report to a future meeting on progress in delivering 'Key Component' projects and detailed plans for 2012/13 onwards.**

**205 PARKS AND COUNTRYSIDE SERVICES MODERNISATION PROJECT - INTEGRATION OF HIGHWAY SERVICES AND OUTLINE DELIVERY PLAN**

The Director of Technical Services formally introduced Mary Bagley, the Parks and Countryside Manager to the Cabinet. Members were told that she had been in the employ of Wirral Council for six months and was doing a fantastic job.

The Director of Technical Services informed that, following on from the decision ratified by Cabinet on 3 November 2011 to not award an external contract for the delivery of parks and countryside services and continue the direct delivery of these services in-house (Minute No. 173 refers), the report provided an update on progress in integrating Highways Grounds Maintenance Services into the Council, sought approval for the extension of the existing Highways Arboricultural Maintenance contract with Amenity Tree Care Limited and sought endorsement for the proposed project management arrangements and Outline Delivery Plan to modernise the service.

**RESOLVED: That**

- (1) the progress made in integrating Highways Grounds Maintenance Services formerly delivered by Continental Landscapes Limited into the Council be noted;**

- (2) the extension of the existing Highways Arboricultural Maintenance Contract with Amenity Tree Care Limited on the same terms and conditions until 31 December 2012 for the reasons stated in section 5.3 of the report be approved; and
- (3) the proposed project management arrangements and Outline Delivery Plan to modernise the Parks and Countryside Service for spring 2013 be noted and endorsed.

## 206 DOMESTIC HOMICIDE REVIEW POLICY

A report of the Director of Law, HR and Asset Management sought Members' approval of a policy to deliver the Council's statutory duty in respect of Domestic Homicide Reviews.

The Cabinet was told that Domestic Homicide Reviews were a statutory duty of each Community Safety Partnership. The Council was a designated Responsible Authority under the Crime and Disorder Act 1998 legislation and, therefore, had a duty to participate in a Review should one be required.

### **RESOLVED:**

**That the Domestic Homicide Review Policy for Wirral be adopted.**

## 207 NEIGHBOURHOOD PLANS AND AREA FORUM FUNDING

A report of the Chief Executive provided an overview of the Council's Neighbourhood Plan consultation and proposals to develop action plans for each area forum based on information received from local communities during the consultation exercise undertaken by the Council. The report also set out the results of the participatory budgeting exercise undertaken in respect of the Empty Shops Fund and Funds for You/Public Health funding. The report finally outlined proposals for the future development of the Area Forums, including the re-establishment of the Chairs' Group.

The Chief Executive presented an addendum to the report which contained further recommendations which had been agreed by Ward Councillors. It was noted that this information had not been available at the time the Cabinet's agenda for this meeting had been published.

The addendum informed that the Revival Hub application for the Oxton and Prenton Area Forum had been approved and agreed by Ward Councillors for the original amount of £8,000. Further to the October 2011 Area Forum event, the applicant had identified alternative premises that better suited the needs of the project's aim and objectives and had requested additional monies accordingly. Ward Councillors had considered and agreed the revised amount requested of £13,000.

Consequently, the Cabinet was asked to approve the revised allocation for the project and agree that the £4,500 remaining Empty Shops Fund for this area would remain available to be used by the Oxton and Prenton Area Forum, in line with their Neighbourhood Plan priorities, as outlined in section 7.3 of the report.

Section 6.1 of the report requested the Chief Executive to be given delegated authority, in consultation with the Cabinet Member for Community and Customer Engagement, to approve funding for all multiple applications and those relating to the Bromborough/Eastham Area Forum.

However, as the funding decisions for all multiple applications and those relating to the Bromborough/Eastham Area Forum were now available and had been agreed by Ward Councillors, the Cabinet was, therefore, requested to approve the award of funding for these projects.

Mr L MacDonald of the Eastham Community Group was in attendance at the meeting and Councillor S Foulkes agreed to his request to ask a question. Mr MacDonald informed that people had not known of the process to be followed and asked if Groups should not have been told in advance. Mr MacDonald sought clarification because the set of rules available at the Area Forum meeting did not make reference to the fact that the decision was to be referred back to the Ward Members.

Councillor T Harney who was also in attendance at the meeting, and had Chaired the Area Forum meeting Mr MacDonald was asking questions about, informed that it had been agreed that Area Forum members would vote. No decision had been made that was not in accordance with the vote. He indicated that the Area Forum would look at the submissions again. Councillor Harney reminded the Cabinet that this was public money, and, as such, there must be a final sign off.

Mr MacDonald told the Cabinet he was concerned about the process not the result.

The Corporate Performance Manager was also in attendance at the meeting and she reported that the Protocols had been published on the Council's website and that a reference to them had been included in the presentation made at the Area Forum meeting. Officers would be carrying out evaluations and they would engage with Mr MacDonald and discuss his concern.

Councillor J Stapleton informed that the consultation had been very meaningful and staff had found it rewarding. She congratulated the staff involved and who had worked well and gone the extra mile.

**RESOLVED: That**

- (1) the themes that have emerged from the Neighbourhood Plan consultation be noted and used to inform the setting of the Council's budget for 2012/13;**
- (2) the Cabinet be requested to approve the award of the Empty Shops Fund and Funds for You / Public Health funding as set out at appendices 1 and 2 of this report;**
- (3) the award of funding for Empty Shops Fund and Funds for You/Public Health Funding as set out in the addendum to the report be agreed; and**
- (4) delegate authority be given to the Acting Director of Regeneration, Housing and Planning, in consultation with the Cabinet Member for Regeneration and Planning Strategy, to approve the award of any additional funds for Empty Shops Fund as set out in paragraph 6.5. This delegated authority is also requested to approve funding recommendations arising from the extension of the Empty Shops Fund opportunity.**